

Your ref:

Our ref: CCC/2025/003

Date: 14 August 2025

**PRIVATE & CONFIDENTIAL**

Councillor Spalding  
(sent via secure email to  
chris.spalding@medway.gov.uk)

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Dear Councillor Spalding,

**Councillor Conduct Committee – 13 August 2025**

I am writing to you with regard to the Councillor Conduct Committee which met on 13 August 2025 in relation to the complaint made against you to consider the final investigation report and the view of the Independent Person.

The Committee took a great deal of time to consider your request for deferral. The Committee considered your email exchanges in relation to the request to defer, along with the fit note from your GP. The Committee acknowledged your current ill health and sought reassurance that the Deputy Monitoring Officer had signposted you to organisations that may be able to provide you with support.

The Committee also took into account the impact on the complainant in further delaying this matter, and the potential negative impact this could have on [REDACTED]. They also acknowledged that the reasons for your request to defer were similar to those you provided in May, when you requested a deferral of the screening of the complaint, and therefore considered it unlikely that prolonging the issue, which you stated [REDACTED] would be beneficial to either party.

The Committee therefore decided to decline your request to defer and proceeded with the hearing.

The Committee would like to remind you of various sources of support available to you [REDACTED]

[REDACTED] You could also contact myself if that would be helpful.

**Finding of facts**

On considering the report itself, the Committee initially determined the findings of fact. The Committee determined the following:

- That you were clearly acting as a Councillor during your correspondence, signing off your emails as Councillor and using Medway Council letter headed paper, therefore the Code of Conduct applied.

- That the email exchanges (provided by you and the complainant) provided evidence of the correspondence between yourself and the complainant on this matter and that during the investigation, you had not denied sending these emails.
- That the Deputy Monitoring Officer had explored the opportunity of an informal resolution with you via an apology to the complainant, which you had refused to provide.
- That to date you had denied any wrong doing.

### **Breach of the Code of Conduct**

The Committee then went on to the second stage of the process, to determine whether the facts gave rise to a breach of the Member Code of Conduct. During its deliberations, the Committee took into account the view of the Independent Person, which was set out at section 5 of the report.

The Committee found that you did breach the Code of Conduct, specifically citing paragraph 2.1, which states:

“2.1 You must:

- i) not conduct yourself in a manner which could reasonably be regarded as bringing the Council or your position into disrepute
- ii) not bully or harass any person (including specifically any Council employee)

(Note: bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)”

The Committee referenced the following contents from correspondence sent by you, as being particularly contra to the above paragraph of the Code:

- “Closing the nursery down and walking away because you are now faced with having to answer some awkward questions and provide information that may not show you in a favorable light is not going to be acceptable” (email dated 27/02/25 – page 73 of the agenda pack).
- “Why are you now suggesting the paperwork is overwhelming and stressful when it is in fact exactly and precisely that which you demanded?” (email dated 27/02/25 – page 73 of the agenda pack).
- “Irrespective of whether you wish to give up running the nursery or not, you are required to provide the documents and information I have requested. You have made claims that include racial discrimination. One has suggested that if you decide now not to continue, you are likely to leave yourself open to, among other things, a civil action for defamation by the individuals on the

Village Hall Committees” (email dated 27/02/25 – page 75 of the agenda pack).

- “If you are thinking you can wait until and there is a general meeting of the Village Hall trustees and you can arrange to have the current committee replaced with people more to your liking please be advised that is unlikely to happen. I am updating the parish council tomorrow night. It is my intention to delay and village hall trustees meeting until the issue of the future of any nursery is resolved” (email dated 11/03/25 – page 71 of the agenda pack).
- “The lack of response is incredibly worrying because you have made various claims throughout this matter that you now seem unwilling or you are simply unable, to justify. You have made these claims, in my opinion, in order to strengthen your financial position. This can, in certain circumstances, be considered a criminal offence and leave one open to Police investigation” (email dated 11/03/25 – page 71 of the agenda pack)
- “Both sides were provided with individual lists of what they had sent me along with separate requests for information. Some six weeks on, I still do not have everything I require with both sides being delinquent to an extent. I will write separately to both sides on this matter later today. Let me be clear, from what I have seen so far, nobody comes out of this smelling of roses!” (email dated 19/03/2025 - page 20 of the agenda pack).
- “For the avoidance of doubt there will not be any village hall trustee meeting until I am in a position to report on the nursery situation” (email dated 19/03/2025 – page 20 of the agenda pack).
- “Given your failure to engage with me and provide responses I can only conclude the nursery is not being run as it should be. Accordingly, I shall be forced to recommend to the Village Hall committee they terminate use of the hall by the nursery with immediate effect” (email dated 24/03/25 – page 24 of the agenda pack).
- “Naturally Medway Council takes such accusations very seriously” (letter dated 28/03/25 – page 37 of the agenda pack)

The Committee considered that the language and tone of the communication was inappropriate and constituted bullying, harassment, threatening and intimidation. The language used gave the impression you were acting on behalf of the Council and/or that you had a particular status and power to deal with the dispute, which you did not. As a local Councillor you had no legal right to demand any of the documents that you repeatedly requested, equally you had no power to suggest any criminal conduct or that you held any authority over the Village Hall Committee and its decisions. You had acted in a way that was far beyond the remit as a Ward Councillor.

## **Sanctions**

Finally, having determined that your actions had amounted to a breach of the Code of Conduct, the Committee moved to the final stage of the process and considered whether to impose any sanctions.



The Committee first considered whether there were any mitigations or aggravating factors to consider. The Committee again noted your references to [REDACTED] all of which you had made the Committee aware of.

Equally the Committee were mindful of the impact that the actions undertaken by you had had on the complainant. You appeared to have positioned yourself to undertake a “judicial role” without any authority to do so, and behaved in a way that fell far short of the expectations of elected Members or anyone in a position of public office and had continued to do so over several months. The Committee also identified the lack of acknowledgement by yourself that there had been any wrong doing. The Committee therefore determined that:

1. a recommendation of censure of you be made to the next Full Council meeting in October
2. you be asked to send a sincere and fulsome letter of apology to the complainant, which should first be shared with and approved by the Chairperson of the Councillor Conduct Committee, Cllr McDonald
3. your conduct identified a training need for you and so additionally, the Committee requested you to undertake further training on the Code of Conduct with the Monitoring Officer.

In terms of the letter of apology and the training, the Committee have requested that you complete these tasks by no later than 2 October 2025. If completed by this time, these mitigating actions will be included in the censure report to Council.

The minutes of the meeting will be published within the next two weeks and will be able to be viewed using the following link:

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=404&MId=6285&Ver=4>

The minutes will refer to your name as the subject member of the complaint, in line with the Council’s procedure for investigations and as agreed by the Councillor Conduct Committee last night.

There is no right of appeal against the decisions of the Councillor Conduct Committee.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely



**Bhupinder Gill**  
Monitoring Officer